

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 1 - 18 are pending in the application. Currently, all claims stand rejected.

By the present amendment, claims 1 and 18 have been amended.

In the office action mailed December 3, 2004, claims 1 and 2 were rejected under 35 U.S.C. 102(b) as being anticipated by WO 96/32979 to Maged; claims 1 - 4, 6, 9 - 12, 14 - 16, and 18 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,719,909 to Micchia et al.; claims 7 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Micchia et al.; and claims 5, 13, and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Micchia et al. in view of Official Notice.

The foregoing rejections are traversed by the instant response.

The present invention relates to a sports vision training device. The device comprises a piece of material having a thickness sufficient to interfere with an individual's ability to look in a specific direction at a sporting object being controlled by the individual. The piece of material has an adhesive coating or layer for positioning the piece of material on a portion of an individual's face so that the piece of material interferes with the individual's ability to look at the sporting object while attempting to control the sporting object due to the thickness.

The present invention also relates to a method for training an individual playing a sport. The method comprises the steps of providing at least one member having an adhesive coating or layer and a thickness sufficient to interfere with the individual's field of vision, and positioning the at least one member on at least one cheek under an eye of the individual so that the thickness interferes with the individual's ability to look downwardly at a sports object being controlled by the individual and to restrict the individual's field of vision to looking forward up and towards a field of play and at least one person on the field of play.

With regard to the rejection of claims 1 and 2 on anticipation grounds over the Maged reference, claim 1 is allowable because while Maged's piece of material may have a thickness, there is no disclosure that Maged's piece of material has a thickness sufficient to interfere with an individual's ability to look in a specific direction at a sporting object being controlled by the individual. Assuming arguendo that Maged's piece of material had such a thickness, the material would still have to be positioned to interfere with the individual's ability to look in a specific direction at a sporting object being controlled by the individual. There is nothing in Maged which would teach such a positioning of the piece of material. A review of Maged shows that it is directed to a device for dilating the nasal passages and to increase the ease which respiration may be carried out through the nose. Thus, Maged has no interest in providing the material with a thickness that interferes with an individual's ability to look

in a specific direction at a sporting object. Further, if Maged had the claimed thickness, it could not perform its intended purpose of dilating the nasal passages. For these reasons, claims 1 and 2 are allowable.

With regard to the rejection of claims 1 - 4, 6, 9 - 12, 14 - 16 and 18 on anticipation grounds over Micchia, this rejection fails for the same reason as the previous rejection. Independent claims 1, 10 and 18 are allowable because while Micchia's piece of material may have a thickness, there is no disclosure that Micchia's piece of material has a thickness sufficient to interfere with an individual's ability to look in a specific direction at a sporting object being controlled by the individual. Assuming arguendo that Micchia's piece of material had such a thickness, the material would still have to be positioned to interfere with the individual's ability to look in a specific direction at a sporting object being controlled by the individual. There is no disclosure in Micchia of doing this. A review of Micchia shows that it is directed to an under-eye light absorbing device. Thus, Micchia has no interest in providing the material with a thickness that interferes with an individual's ability to look in a specific direction at a sporting object. Further, if Micchia had the claimed thickness, it could not perform its intended purpose of dilating the nasal passages. For these reasons, claims 1, 12 and 18 are allowable over Micchia. Claims 2 - 4, 6, 9 - 11, and 14 - 16 are allowable for the same reasons as their parent claims as well as on their own accord.

The rejection of claims 7 and 8 on obviousness grounds is defective. The Examiner has shown no secondary reference which

teaches or suggests the subject matter that is missing from Micchia. If this subject matter is so well known, the Examiner should have no difficulty in locating such a reference. Further, one of ordinary skill in the art would have no interest in applying indicia or a logo to an upper surface of Micchia's material because such indicia or logo would interfere with the light absorbing function of Micchia's material. The Examiner is in error when she says that the material would perform equally well with the indicia or logo. That is not true.

With regard to the rejection of claims 5, 13, and 17 on obviousness grounds, the Examiner is hereby requested to supply Applicant with a reference which shows the use of a hydrocolloidal material incorporated into an adhesive layer. Failing the citation of such a reference, the Examiner should withdraw the rejection. The rejection also fails because the Examiner has not provided any statement as to what would motivate one of ordinary skill in the art to include a hydrocolloidal material layer in Micchia.

The objection to the specification is duly noted. However, it is now believed to be moot in view of the amendments to claim 1.

For the foregoing reasons, the instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

Should the Examiner believe that an additional amendment is needed to place the case in condition for allowance, she is hereby invited to contact Applicant's attorney at the telephone number listed below.

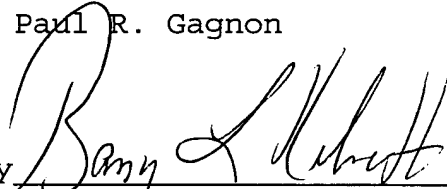
Appl. No. 10/720,948
Amdt. dated March 2, 2005
Reply to office action of Dec. 3, 2004

No fee is believed to be due as a result of this response.
Should the Director determine that a fee is due, he is hereby
authorized to charge said fee to Deposit Account No. 02-0184.

Respectfully submitted,

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By



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I, Nicole Motzer, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on March 2, 2005.

